

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Jeniffer Germoso v. Sam’s West, Inc.

Civ. No. 4:25-cv-10705-MRG (D. Mass. Mar. 20, 2026) · No. 4:25-cv-10705-MRG · Decided March 20, 2026

SUMMARY

The United States District Court for the District of Massachusetts considers Sam’s West, Inc.’s motion to dismiss claims brought by former employee Jeniffer Germoso under Massachusetts law. The claims concern disability discrimination and retaliation related to pregnancy-related leave, leave extensions, and termination. The court grants the motion in part as to the April 2023 failure-to-accommodate allegations but denies it as to the October 2023 termination-related accommodation claim and the retaliation claims addressed in the excerpt.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Margaret R. Guzman
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	March 20, 2026
DOCKET	4:25-cv-10705-MRG
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss three employment-related claims after removal from Massachusetts state court. The court granted the motion in part as to the failure-to-accommodate claim based on the April 2023 departure, but denied it as to the October 2023 termination-based accommodation claim and both retaliation claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff’s favor, and determines whether the complaint states a claim for relief that is plausible on its face. The court may consider certain undisputed or incorporated documents without converting the motion to one for summary judgment.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

disability discrimination

reasonable accommodation

retaliation

motions to dismiss

civil procedure

PRACTICE AREAS

employment law

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disability discrimination

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civil procedure

QUESTIONS PRESENTED

1. Whether Germoso plausibly alleged a Chapter 151B disability-discrimination claim based on Sam's West's handling of her April 2023 departure and October 2023 termination.
2. Whether Germoso plausibly alleged that Sam's West failed to engage in the interactive process or provide a reasonable accommodation when it terminated her while she allegedly remained on approved leave.
3. Whether Germoso plausibly alleged retaliation under Massachusetts General Laws chapter 151B, section 4(4), based on her accommodation and leave-extension requests followed by termination.
4. Whether Germoso plausibly alleged retaliation under the Massachusetts Paid Family and Medical Leave Act, Massachusetts General Laws chapter 175M, section 9, and whether the statutory presumption of retaliation applied.

HOLDINGS

1. The complaint did not plausibly allege that Sam's West failed to accommodate Germoso during the April 2023 interaction because Germoso reported tiredness and swollen feet but did not make a sufficiently direct and specific request for a workplace accommodation or indicate that the early maternity leave offered by the employer was inadequate.
2. Germoso plausibly alleged that Sam's West failed to accommodate her disability by terminating her without engaging in an interactive process after receiving notice of her approved leave extension.
3. Germoso plausibly alleged a Chapter 151B retaliation claim because requesting an extension of leave was protected activity, termination was an adverse employment action, and the approximately two-week temporal proximity supported causation at the pleading stage.
4. Germoso plausibly alleged retaliation under Massachusetts General Laws chapter 175M, section 9, and the employer failed at the pleading stage to rebut by clear and convincing evidence the statutory presumption of retaliation arising from termination during or shortly after protected leave.

KEY QUOTATIONS

"The absence of a conversation with Germoso, even an informal one, demonstrates a failure to engage with Germoso for potential reasonable accommodation to address her needs." (Section III.A.ii)

"Defendant has not rebutted the presumption of retaliation by clear and convincing evidence, therefore, the motion to dismiss as to Count III is DENIED." (Section III.C)

FACTUAL BACKGROUND

Germoso worked as a package handler for Sam’s West and became pregnant in 2022. She alleged that the employer failed to respond adequately to her pregnancy-related accommodation requests, sent her home to begin maternity leave early in April 2023, and later approved or acknowledged various disability, medical, bonding, and paid-leave periods. After Sam’s West received notice of a DFML-approved bonding leave extending into November 2023, it terminated Germoso in October 2023 without returning her calls or engaging in a discussion about accommodations or leave.

PROCEDURAL HISTORY

Germoso filed suit in Massachusetts state court on February 26, 2025. Sam’s West removed the action to the District of Massachusetts on March 26, 2025, invoking diversity jurisdiction. Sam’s West moved to dismiss, the parties briefed the motion, and the court heard oral argument on January 21, 2026. The court granted the motion in part and denied it in part.

DISPOSITION

other

CASES CITED

- *Ruivo v. Wells Fargo Bank, N.A.*, 766 F.3d 87, 90 (1st Cir. 2014)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556, 570 (2007)
- *Grajales v. P.R. Ports Authority*, 682 F.3d 40, 44 (1st Cir. 2012)
- *Gagliardi v. Sullivan*, 513 F.3d 301, 305 (1st Cir. 2008)
- *Centro Medico del Turabo, Inc. v. Feliciano de Melecio*, 406 F.3d 1, 6 (1st Cir. 2005)
- *Rodríguez-Reyes v. Molina-Rodriguez*, 711 F.3d 49, 54 (1st Cir. 2013)
- *Johnson v. General Electric*, 840 F.2d 132, 138 (1st Cir. 1988)
- *Stratton v. Bentley University*, 113 F.4th 25, 52 n.26 (1st Cir. 2024)
- *Sensing v. Outback Steakhouse of Florida, LLC*, 575 F.3d 145, 153, 157 (1st Cir. 2009)
- *Ward v. Massachusetts Health Research Institute*, 209 F.3d 29, 33 n.2 (1st Cir. 2000)
- *Der Sarkisian v. Austin Preparatory School*, 85 F.4th 670, 675 (1st Cir. 2023)
- *Brader v. Biogen Inc.*, 983 F.3d 39, 54–55 (1st Cir. 2020)
- *Jones v. Nationwide Life Ins. Co.*, 696 F.3d 78, 90 (1st Cir. 2012)
- *Freadman v. Metropolitan Property & Casualty Insurance Co.*, 484 F.3d 91, 102, 105 (1st Cir. 2007)
- *Ocean Spray Cranberries, Inc. v. Massachusetts Commission Against Discrimination*, 808 N.E.2d 257, 267–68, 270–71 (Mass. 2004)
- *Miceli v. JetBlue Airways Corp.*, 914 F.3d 73, 82 (1st Cir. 2019)
- *Russell v. Cooley Dickinson Hospital, Inc.*, 772 N.E.2d 1054, 1063–65 (Mass. 2002)
- *Ortiz-Martinez v. Fresenius Health Partners, PR, LLC*, 853 F.3d 599, 605 (1st Cir. 2017)
- *E.E.O.C. v. Kohl’s Department Stores, Inc.*, 774 F.3d 127, 132–33 (1st Cir. 2014)

- *Kahriman v. Wal-Mart Stores, Inc.*, 115 F. Supp. 3d 153, 162 (D. Mass. 2015)
- *Tobin v. Liberty Mutual Insurance Co.*, 433 F.3d 100, 108 (1st Cir. 2005)
- *Scalone-Finton v. Falmouth Public Schools*, No. 1:21-cv-11792-JEK, 2024 WL 4335451, at *16 (D. Mass. Sept. 27, 2024)
- *Kvorjak v. Maine*, 259 F.3d 48, 53–54 (1st Cir. 2001)
- *Carrero-Ojeda v. Autoridad de Energía Eléctrica*, 755 F.3d 711, 719 (1st Cir. 2014)
- *Psy-Ed Corp. v. Klein*, 947 N.E.2d 520, 529–30 (Mass. 2011)
- *Calero-Cerezo v. United States Department of Justice*, 355 F.3d 6, 25–26 (1st Cir. 2004)
- *Gunter v. Shapley & Stern, Inc.*, No. 1:19-cv-12502-IT, 2021 U.S. Dist. LEXIS 84110, at *15 (D. Mass. Apr. 30, 2021)
- *Lockridge v. University of Maine System*, 597 F.3d 464, 472 (1st Cir. 2010)
- *Consedine v. Willimansett East SNF*, 213 F. Supp. 3d 253, 260–62 (D. Mass. 2016)
- *Murray v. Warren Pumps, LLC*, 821 F.3d 77, 87 (1st Cir. 2016)
- *Criado v. IBM Corp.*, 145 F.3d 437, 443 (1st Cir. 1998)
- *McKeon v. Robert Reiser & Co., Inc.*, 770 F. Supp. 3d 351, 376 (D. Mass. 2025)
- *Rousseau v. Clark University*, No. 22-cv-40118, 2023 WL 3435570, at *4 (D. Mass. May 12, 2023)